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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Biedermann et al.

Serial No.: 09/242,540

Filed: February 18, 1999

Title: PYRIDYL ALKENE AND PYRIDYL
ALKINE-ACID AMIDES AS CYTOSTATICS
AND IMMUNOSUPPRESSIVES

Group Art Unit:1624

Examiner: Coleman

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PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN INADVERTENTLY AND UNINTENTIONALLY ABANDONED APPLICATION

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Dear Sir:

Applicant respectfully petition the Commissioner under 37 C.F.R. §1.137(b) to revive the above-identified application which was inadvertently and unintentionally abandoned for failure to prosecute and that the delay in prosecution and payment of fees was unintentional.

A final office action dated November 15, 2001 was received. Applicant's attorney interviewed the Examiner on March 13, 2002 and an agreement was reached in regards to claim amendments and a response to the final office action. A copy of the Interview Summary is attached as Exhibit A. Amendment B along with the required Petition for Extension of Time was filed on April 10, 2002. Applicant's attorney received an Advisory Action dated May 10, 2002 on May 16, 2002. Hence, the application was technically abandoned after

May 15, 2002, which was six months after the date of the final rejection. Applicant's attorney filed nothing further after filing Amendment B on April 10, 2002 as Applicant's attorney expected that the application was to be allowed.

The inadvertent and unintentional abandonment of the application was not realized until after May 16, 2002. Such discovery resulted in the immediate commencement of preparation of this Petition.

This Petition includes the following items which would have been filed on or before May 15, 2002.

1. Continuing Patent Application Transmittal under 37 CFR 1.53(b) and Preliminary Amendment;
2. Copy of application serial no. 09/242,540 and copy of signed Declaration;
3. Authorization to charge Deposit Account No. 06-1135 in the amount of \$1110.00 in payment of the continuation application filing fee.

The Commissioner is hereby authorized to charge Deposit Account No. 06-1135 the petition fee under 37 C.F.R. §1.17(m) (1) in the amount of \$1280.00.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

By: 

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AUG 05 2002

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